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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,303	09/21/2000	Johann-Peter Melder	46915 DIV	1946
26474	7590 06/03/2003			
KEIL & WEINKAUF			EXAMINER .	
	CTICUT AVENUE, N.W. DN, DC 20036		BARTS, SA	MUEL A
			ART UNIT	PAPER NUMBER
•			1621	g [,]
			DATE MAILED: 06/03/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applicati n No.	Applicant(s)				
•	09/666,303	MELDER ET AL.				
Offic Action Summary	Examiner	Art Unit				
	Samuel A Barts	1621				
The MAILING DATE f this c mmunication appears on the cover sheet with the correspondence address						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM						
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by statu. - Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b). Status	. 1.136(a). In no event, however, may a septy within the statutory minimum of the d will apply and will expire SIX (6) MC tre, cause the application to become A	a reply be timely filed nirty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on	<u>. </u>	•				
2a) ☐ This action is FINAL . ·2b) ☐ ☐	This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims		J.D. 11, 400 O.O. 210.				
4)⊠ Claim(s) <u>14-16 and 18-24</u> is/are pending in	·	·				
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
	6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.	oistice and/or election root	viroment				
8) Claim(s) <u>14-16 and 18-24</u> are subject to restriction and/or election requirement. Application Papers						
9) The specification is objected to by the Examin	ner.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to						
11) The proposed drawing correction filed on						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 	5) Notice	ew Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-152)				

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Election/Restrictions

1. Claims 14-16 and 18-24 are generic to a plurality of disclosed patentably distinct species comprising for example compounds disclosed in the instant specification, as well as, compounds taught in the prior art¹. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship

¹ See US Patent 6,262,310 and previous office actions.

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must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A Barts whose telephone number is 703-308-4630. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johan Richter can be reached on 308-1235. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Samuel A Barts Primary Examiner Art Unit 1621

s.b. May 30, 2003